

REMARKS

The Office Action mailed July 27, 2007 has been carefully considered and it is respectfully requested that the application be reconsidered in view of the amendments made to the claims and for the remarks herein.

Claims 1-45, 62, 64-130, 147—188, 205-234, 236-280, 297-301 and 303-319 are pending and stand rejected.

Claims 108, 109, 258, 299, and 316 are objected to.

Claims 1, 62, 88, 108, 109, 147, 258, 299 and 316 have been amended.

Claims 41, 126, 184 and 232 have been cancelled.

Claim Objection

Claims 108, 109, 258, 299 and 316 stand objected to for containing informalities.

Applicant thanks the Examiner for his observations and has amended the claims as suggested.

For the amendments made to the claims, applicant submits that the objections has been overcome and applicant respectfully requests that the objection be withdrawn.

Rejection under 35 USC 112

The Examiner has rejected claims 26, 64, 88, 111 and 169 under 35 USC 112, second paragraph for being indefinite. The Examiner states that the terms "substantially" is a relative term which renders the claim indefinite.

Applicant respectfully disagrees with the rejection of the claims as the term substantially has been recognized in Patent Law as being an acceptable term to indicate "approximately." For example, the court in Playtex xxx held that the term "substantially" may be used so as "not to impose a precise numeric constraint" upon the subject matter claimed.

In this case, the term is used to indicate that elements need not be "exactly" identical in that every element must exactly match, but can be substantially identical in that not every

Applicant: Yemini, S.
U.S.S.N.: 10/813,842
Filing Date: March 31, 2004
EMC Docket No.: EMC-05-098(Pro)(Ord)

element must exactly match. In this case, the term "substantially" as used in the context of the claims denotes approximation.

Hence, applicant submits that the tem substantially is appropriate and has been vented through the courts (see for example. Cordis Corporation v. Medtronic AVE, Inc., 339 F.3d 1352, 1360)

For at least this reason, applicant respectfully requests that the rejection be withdrawn.

Rejection under 35 USC 102

The Examiner has rejected claims 1-13, 15-41, 44-55, 62, 64-80, 82-100, 102-126, 129-130, 147-158, 160-184, 187-188, 205-216, 218-232, 236-248, 250-276, 279-280, 297-300, 303-307, 309, 310, 312, 313 and 315-319 under 35 USC 102(b) as being anticipated by Bowman-Amuah (USP no. 6,289, 382).

Applicant respectfully disagrees with the rejection of the claims. However, the independent claims have been amended to recite that the objects represent attributes and relationships of an associated one of the one or more components and that the associations are selected to enable propagation of behaviors between said at least two realms in a manner similar to the propagation of said behaviors in said system. No new matter has been added. Support for the amendment may be found at least on page 23, lines 8-10 ("[t]he associations should be selected to enable propagation of behaviors in the same way the behaviors propagate in the system.")

Bowman-Amuah discloses a system, method and article of manufacture for delivering services via a globally addressable interface. A plurality of interfaces are provided with access to allow a plurality of different sets of services through each of the interfaces. Each interface has a unique set of services associated therewith. Each of the interfaces is named with a name indicative of the unique set of services associated therewith. (see Abstract).

The Examiner has made reference to Bowman-Amuah reference to workflow between tasks (see col. 115, lines 27-48, col. 117, lines 1-22, col. 124, lines 5-21, etc.) as being comparable to the associations referred to in the claims. However, as the associations have been

more clearly presented as representing at least one object, presenting attributes and relationships of the components, common to at least two of said realms and that the associates are selected to propagate behaviors, applicant believes that the teachings of Bowman-Amuah fails to disclose such a features in the workflows disclosed. Bowman-Amauh specifically teaches that “[w]orkflow enables tasks within a business process to be passed among the appropriate participants, in the correct sequence and facilitates their completion within set times and budgets.” (see col. 115, lines 27-30). However, even if the workflows could be considered objects, the workflows fails to contain attributes of the component or to enable a behavior to propagate between realms as is recited in the claims. Rather, the workflows “provide a means to define, monitor and control the sequence of work electronically.” (see col. 115, lines 49-52). That is, the workflow is a result that passes through to different users and does an object representative of a component between two realms as is recited in the claims.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Bowman-Amuah cannot be said to anticipate the present invention, because Bowman-Amuah fails to disclose each and every element recited.

Applicant believes the rejection has been overcome and respectfully requests that the rejection be withdrawn and the claim allowed.

With regard to the remaining independent claims, the remarks made in response to the rejection of claim 1 are applicable in response to the rejection of the remaining independent claims. For the amendments made to the remaining independent claims, which are similar to those made to claim 1, and for the remarks made in response to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, it is submitted that the reason for the rejection of these claims has been overcome. It is respectfully requested that the rejection be withdrawn and the claim allowed.

With regard to the remaining dependent claims, these claims ultimately depend from the independent claims, which have been shown to be allowable over the cited references. Accordingly, the remaining claims are also allowable by virtue of their dependence from an allowable base claim.

Rejection under 35 USC 103

The Examiner has rejected claims 14, 81, 101, 141, 159, 217, and 249 under 35 USC 103(a) as being unpatentable over Bowman-Amuah and further in view of Semeria (Multiprotocol Label Switching: Enhancing Routing in the New Public Network). This instant Office Action states that Bowman-Amuah fails to teach or suggest Multi-Protocol Label Switching Virtual Private Network

The aforementioned claims are dependent from the independent claims, which have been shown to include subject matter not disclosed by Bowman-Amuah. Semeria fails to provide any teaching to correct the deficiency in subject matter found to exist in Bowman-Amuah. Thus, the combination of Bowman-Amuah and Semeria fails to disclose all the elements recited in the independent claims and, consequently, the dependent claims.

Accordingly, the aforementioned claims are not rendered obvious by the references cited as the combination of the references fails to disclose all of the elements claimed.

For at least this reason, applicant submits that the reason for the rejection has been overcome. Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

The Examiner has rejected claims 42, 43, 127, 128, 185, 186, 233, 234, 277, 278, 301, 308, 311 and 314 under 35 USC 103(a) as being unpatentable over Bowman-Amuah and further in view of McGee (USPPA no. 2003/0079160). The instant Office Action states that Bowman-Amuah fails to teach root cause analysis of events in said system of events and correlation of events of said system. McGee teaches root cause analysis and correlation of events in paragraph [0054] and [0058] by performing event counting, temporal analysis, pattern recognition and event promotion to generate a root cause event.

The aforementioned claims depend from the independent claims, which have been shown to include subject matter not disclosed by Bowman-Amuah. McGee fails to provide any teaching to correct the deficiency in subject matter found to exist in Bowman-Amuah. Thus, the combination of Bowman-Amuah and McGee fails to disclose all the elements recited in the independent claims and, consequently, the dependent claims.

Accordingly, the aforementioned claims are not rendered obvious by the references cited as the combination of the references fails to disclose all of the elements claimed.

Applicant: Yemini, S.
U.S.S.N.: 10/813,842
Filing Date: March 31, 2004
EMC Docket No.: EMC-05-098(Pro)(Ord)

For at least this reason, applicant submits that the reason for the rejection has been overcome. Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

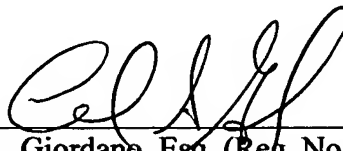
In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone number below.

No fees are believed necessary for the filing of this amendment.

Respectfully submitted,

Dated: _____

9/22/07



Carl A. Giordano, Esq. (Reg. No. 41,780)
Attorney for Applicants
Law Office of Carl Giordano, PA
210 Route 4 East, Suite 103
Paramus, New Jersey 07652
(201) 421 0865

Kindly provide all written communications to:

Carl A. Giordano, Esq.
Law Office of Carl Giordano, PA
210 Route 4 East, Suite 103
Paramus, New Jersey 07652
(201) 421 0865